

Introduced by Senator Dodd

January 23, 2017

An act to amend Sections 101, 10004, 10005, and 10050 of the Business and Professions Code, and Section 12804 of the Government Code, relating to real estate.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as introduced, Dodd. Real estate: Bureau of Real Estate.

Existing law establishes in state government the Business, Consumer Services, and Housing Agency, which is comprised of various departments including the Department of Consumer Affairs. Existing law establishes the Bureau of Real Estate within the Department of Consumer Affairs to license and regulate real estate brokers and real estate salespersons.

This bill would remove the bureau from the Department of Consumer Affairs and instead make it a department within the Business, Consumer Services, and Housing Agency and rename the bureau to the Department of Real Estate. The bill would also make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 **SECTION 1.** Section 101 of the Business and Professions Code
- 2 is amended to read:
- 3 101. The department is comprised of the following:
- 4 (a) The Dental Board of California.
- 5 (b) The Medical Board of California.
- 6 (c) The State Board of Optometry.

- 1 (d) The California State Board of Pharmacy.
- 2 (e) The Veterinary Medical Board.
- 3 (f) The California Board of Accountancy.
- 4 (g) The California Architects Board.
- 5 (h) The Bureau of Barbering and Cosmetology.
- 6 (i) The Board for Professional Engineers and Land Surveyors.
- 7 (j) The Contractors' State License Board.
- 8 (k) The Bureau for Private Postsecondary Education.
- 9 (l) The Bureau of Electronic and Appliance Repair, Home
- 10 Furnishings, and Thermal Insulation.
- 11 (m) The Board of Registered Nursing.
- 12 (n) The Board of Behavioral Sciences.
- 13 (o) The State Athletic Commission.
- 14 (p) The Cemetery and Funeral Bureau.
- 15 (q) The State Board of Guide Dogs for the Blind.
- 16 (r) The Bureau of Security and Investigative Services.
- 17 (s) The Court Reporters Board of California.
- 18 (t) The Board of Vocational Nursing and Psychiatric
- 19 Technicians.
- 20 (u) The Landscape Architects Technical Committee.
- 21 (v) The Division of Investigation.
- 22 (w) The Bureau of Automotive Repair.
- 23 (x) The Respiratory Care Board of California.
- 24 (y) The Acupuncture Board.
- 25 (z) The Board of Psychology.
- 26 (aa) The California Board of Podiatric Medicine.
- 27 (ab) The Physical Therapy Board of California.
- 28 (ac) The Arbitration Review Program.
- 29 (ad) The Physician Assistant Committee.
- 30 (ae) The Speech-Language Pathology and Audiology Board.
- 31 (af) The California Board of Occupational Therapy.
- 32 (ag) The Osteopathic Medical Board of California.
- 33 (ah) The Naturopathic Medicine Committee.
- 34 (ai) The Dental Hygiene Committee of California.
- 35 (aj) The Professional Fiduciaries Bureau.
- 36 (ak) The State Board of Chiropractic Examiners.
- 37 ~~(al) The Bureau of Real Estate.~~
- 38 ~~(am)~~
- 39 (al) The Bureau of Real Estate Appraisers.
- 40 ~~(an)~~

1 (am) The Structural Pest Control Board.

2 (~~ao~~)

3 (an) The Bureau of Medical Cannabis Regulation.

4 (~~ap~~)

5 (ao) Any other boards, offices, or officers subject to its
6 jurisdiction by law.

7 SEC. 2. Section 10004 of the Business and Professions Code
8 is amended to read:

9 10004. ~~“Bureau”~~ “*Department*” means the ~~Bureau~~ *Department*
10 of Real Estate in the ~~Department of Consumer Affairs~~. *Business,*
11 *Consumer Services, and Housing Agency.*

12 SEC. 3. Section 10005 of the Business and Professions Code
13 is amended to read:

14 10005. Whenever the terms “bureau,” “division,” ~~“department,”~~
15 ~~“Department”~~ “*Bureau of Real Estate,*” “*State Real Estate*
16 *Division,*” or “*Real Estate Division*” are used in this division, they
17 mean the ~~Bureau~~ *Department* of Real Estate.

18 Whenever the terms ~~“Department”~~ “*Bureau of Real Estate,*” “*State Real Estate Division,*” or “*Real Estate Division*” are used
19 in any other law, they mean the ~~Bureau~~ *Department* of Real Estate.

20 SEC. 4. Section 10050 of the Business and Professions Code
21 is amended to read:

22 10050. (a) (1) There is in the ~~Department of Consumer Affairs~~
23 *Business, Consumer Services, and Housing Agency* a ~~Bureau~~
24 *Department* of Real Estate, the chief officer of which ~~bureau~~ is
25 named the Real Estate Commissioner.

26 (2) Notwithstanding any other law, the powers and duties of the
27 ~~bureau, department,~~ as set forth in this part and Chapter 1
28 (commencing with Section 11000) of Part 2, shall be subject to
29 review by the appropriate policy committees of the Legislature.
30 The review shall be performed as if this part and that chapter were
31 scheduled to be repealed as of January 1, 2021.

32 (b) It shall be the principal responsibility of the commissioner
33 to enforce all laws in this part and Chapter 1 (commencing with
34 Section 11000) of Part 2 in a manner that achieves the maximum
35 protection for the purchasers of real property and those persons
36 dealing with real estate licensees.

37 (c) Wherever the term “commissioner” is used in this division,
38 it means the Real Estate Commissioner.

1 SEC. 5. Section 12804 of the Government Code is amended
2 to read:

3 12804. (a) There is in the state government the Business,
4 Consumer Services, and Housing Agency.

5 (b) The Business, Consumer Services, and Housing Agency
6 shall consist of the following: the Department of Consumer Affairs,
7 *the Department of Real Estate*, the Department of Housing and
8 Community Development, the Department of Fair Employment
9 and Housing, the Department of Business Oversight, the
10 Department of Alcoholic Beverage Control, the Alcoholic Beverage
11 Control Appeals Board, the California Horse Racing Board, and
12 the Alfred E. Alquist Seismic Safety Commission.